IN THE CLAIMS:

Please enter the following rewritten claims as follows:

1. (Twice amended) A method for producing a mutant polynucleotide encoding a polypeptide having a biological activity or a desired property comprising:

blocking or interrupting a polynucleotide synthesis or amplification process by contacting a polynucleotide with one or more agents that block or interrupt synthesis or amplification of the polynucleotide wherein the agent is selected from the group consisting of UV light, one or more DNA adducts, DNA intercalating agents, DNA binding proteins, triple helix forming agents, competing transcription polymerase, cold or heat, chain terminators, polymerase inhibitors and poisons and subjecting said polynucleotides to an amplification procedure to provide a mutant polynucleotide.

2. (Amended) A method for producing a mutagenized polynucleotide encoding a polypeptide having a desired property, said method comprising:

(a) blocking or interrupting a polynucleotide synthesis or amplification process with at least one member selected from the group consisting of UV light, one or more DNA adducts, DNA intercalating agents, chain terminators, and/or polymerase inhibitors or poisons, wherein said member is capable of blocking or interrupting polynucleotide synthesis or amplification so as to provide a plurality of single or double-stranded polynucleotides;

(b) denaturing the plurality of single or double stranded polynucleotides to produce a mixture of single-stranded polynucleotides;

(c) incubating a plurality of said single stranded polynucleotides with a polymerase under conditions which result in annealing of said single-stranded polynucleotides at regions of homology between the single-stranded polynucleotides and under conditions which promote synthesis of mutagenized polynucleotides, and ;

(d) expressing at least one [mutant] polypeptide from said mutagenized polynucleotides; wherein the polypeptide possesses a desired characteristic.

Please add the following new claim:

--11. (New) The method of claim 2, wherein said DNA adduct is a member selected from the group consisting of: UV light; (+)-CC-1065; (+)-CC-1065-(N3-Adenine); a N-acelyated or deacetylated 4'-fluro-4-aminobiphenyl adduct capable of inhibiting DNA synthesis; trivalent chromium; a trivalent chromium salt; a polycyclic aromatic hydrocarbon ("PAH") DNA adduct capable of inhibiting DNA replication; 7-bromomethyl-benz-α-anthracene ("BMA"); tris(2,3-dibromopropyl)phosphate ("Tris-BP"); 1,2-dibromo-3-chloropropane ("DBCP"); 2-bromoacrolein (2BA); benzo-α-pyrene-7,8-dihydrodiol-9-10-epoxide ("BPDE"); a platinum(II)halogen salt; N-hydroxy-2-amino-3-methylimidazo(4,5-f)-quinoline; N-hydroxy-2-amino-1-methyl-6-phenylimidazo-(4,5-f)-pyridine, DNA intercalating agents, DNA binding proteins, triple helix forming agents, competing transcription polymerases, chain terminators, and polymerase inhibitors or poisons.--

REMARKS

These remarks are in response to the Final Office Action mailed January 22, 2001. Applicants respectfully request withdrawl of the finality of the rejection. Applicants submit that any amendments to the claims would not have necessitated a new search. Application of Pues et al. in a rejection under 35 U.S.C. §102(a) could have been made in the first office action, but was not. Accordingly, Applicants' submit that it is incorrect for the Examiner to now apply the Pues et al. reference in a Final Office Action.

Applicants submit that the amendments to the claims are for clarity and should not be construed as amendments affecting patentability under *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 234 F.3d 558, 56 USPQ2d 1865 (Fed. Cir. 2000) (en banc). Applicants